

**Conservation Commission  
June 3, 2024**

FAIRHAVEN TOWN CLERK  
RCUD 2024 JUN 27 PM 1:53

1. **Chairman's Welcome and Media Notification:** Karen Isherwood opened the meeting at 6:10p.m. Ms. Isherwood read the protocol for Zoom meetings and open Public Meeting Law.

Ms. Isherwood advised that the meeting was being conducted remotely, pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. It is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. MGL, Ch. 30A, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.

2. **Quorum/Attendance:** Karen Isherwood, Jake Galary, Carrie Hawthorne, Anthony Couto, and Wendy Drumm  
**Absent:** Ronnie Medina

Karen Isherwood welcomed new commission member, Wendy Drumm.

At 6:15pm the Chair was unable to communicate with Wendy Drumm.

3. Approval of the meeting minutes for the May 6, 2024 public hearing

Carrie Hawthorne made a motion to accept the May 6, 2024 minutes. The motion was seconded by Jake Galary (4-0).

4. Continuances requested in advance:
  - a. **CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53**
  - b. **SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J**

5. Reorganization of the Board
  - *Tabled until the June 17, 2024 meeting.*

6. Attorney, Marc Deshaies to discuss the Conservation Restriction at the G. Bourne Knowles property
  - *Tabled to the June 17, 2024 meeting.*

7. **Request Minor Activity**
  - a. **Fort Phoenix, Map 01, Lot 001:** BPW requests permission to place poles on the beach for seasonal trash bins

Karen Isherwood made a motion to approve minor activity for the installation of one pole to be utilized for seasonal trash buckets at the town owned section of Fort Phoenix, Map 01, Lot 001. The motion was seconded by Carrie Hawthorne and passed (4-0).

- b. **Town Beach, Map 43D, Lots 203A & 207A:** BPW requests permission to place poles on the beach for seasonal trash bins

Karen Isherwood made a motion to approve minor activity for the installation of one pole to be utilized for seasonal buckets at the Fairhaven Town Beach, Map 43D, Lots 203A & 207A. The motion was seconded by Carrie Hawthorne and passed (4-0).

New member, Wendy Drumm was online at 6:24pm and available to vote for eligible motions.

8. **Request for Minor Field Change**

- a. **SE 023-1431, CON 023-378: 162 Main Street, Map 12, Lot 8**

Karen Isherwood made motion to approve minor field changes for SE 023-1431, CON 023-378, 162 Main Street, Map 12, Lot 8 to the revised plan dated May 22, 2024, which shows the substitution of Green Heart pilings for pressure treated pilings. The motion was seconded by Carrie Hawthorne and passed (5-0).

- b. **SE 023-1417, CON 023-355: 88 Fort Street, Map 5, Lots 4 & 5**

Carrie Hawthorne made a motion to approve minor field changes for SE 023-1417, CON 023-355, 88 Fort Street, Map 5, Lots 4 & 5, to the revised plan dated May 28, 2024, which shows the substitution of Green Heart pilings for pressure treated pilings. The motion was seconded by Jake Galary and passed (5-0).

9. **Requests for Extension**

- a. **SE 023-1361, CON 023-240: 11 Balsam Street, Map 43C, Lot 129**

Carrie Hawthorne made motion to continue SE 023-1361, CON 023-240, 11 Balsam Street, Map 43C, Lot 129 to the June 17, 2024 meeting due to lack of representation. The motion was seconded by Anthony Couto and passed (5-0).

10. **Requests for Certificates of Compliance**

- a. **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207 – Continued in advance to June 17, 2024**

- b. **SE 023-1428, CON 023-368: 43 Reservation Road, Map 29A, Lot 351**

Bruce Webb stated the site visit showed evidence of unpermitted work (planting and wetland vegetation cleared). The agent would like this resolved before COC approval.

Carrie Hawthorne made a motion to continue SE 023-1428, CON 023-368, 43 Reservation Road, Map 29A, Lot 351 to the June 17, 2024 meeting at the applicant's request. The motion was seconded by Wendy Drum and passed (5-0).

- c. **SE 023-1078: 4 Washington Street, Map 09, Lot 002**

Carrie Hawthorne made a motion to issue a Certificate of Compliance for a complete certification for SE 023-1078, 4 Washington Street, Map 09, Lot 002 under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**d. SE 023-506: 42 Water Street, Map 9, Lot 2A**

Andrew Stackpole represented the project. Emergency order to remove barge. Had diver determine designed according to plans. Over 30 years old; looked great for age.

Carrie Hawthorne made a motion to issue a complete Certificate of Compliance for SE 023-506, 42 Water Street, Map 9, Lot 2A, under the Wetlands Protection Act and the Town of Fairhaven Wetland Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**11. Public Hearings** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and/or the Code of the Town of Fairhaven Chapter 192, Wetlands:

**Requests for Determination of Applicability****a. CON 023-427: 4 Monondach Avenue, Map 42A, Lot 212**

Request for Determination filed by Fairhaven Public Works to repair or replace below ground water valves. Work to take place within FEMA Flood Zone VE (El.20') at Assessor's Map 42A, Lot 212.

Karen Isherwood made a motion to close the public hearing for CON 023-427, 4 Monondach Avenue, Map 42A, Lot 212 and issue a Positive Determination 2b for Barrier Beach, Coastal Beach, Coastal Dune, and Buffer Zone to a Salt Marsh, a Negative Determination 3 & Negative Determination 6, with added conditions CAP-3 and FZ-1, under the Wetlands Protection Act and the Town of Fairhaven Wetland Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**Notices of Intent****b. SE 023-14\_\_\_, CON 023-371: 217 Alden Road, Map 36, Lot 85**

Notice of Intent filed by Shaun DeGrace for a concrete patio (13'x47') with drainage in the back of the house, an extension of the asphalt driveway (30'x15') and add a 6' fence within 100 ft. to the Bordering Vegetated Wetlands (BVW). Work to take place within Buffer Zone to BVW at Assessor's Map 36, Lot 85.

Owner, Shaun DeGrace stated the driveway was removed from the plan.

Carrie Hawthorne made a motion to continue SE 023-\_\_\_, CON 023-371, 217 Alden Road, Map 36, Lot 85 to the June 17, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (5-0).

**c. SE 023-1410, CON 023-347: Bonney Street, Assessor's Map 28B, Lots 488 & 489**

Notice of Intent filed by David Menard to construct a single-family residence, sewer and water connections and associated site work located within the 100-year flood plain (F.E.M.A. Zone VE, El.16') and partially within the Buffer Zone of Bordering Vegetated Wetlands (BVW) located at Assessor's Map 28B, Lots 488 & 489.

Rick Charon stated that the official Variance request form was submitted. There has been research on an offsite replication location, but it was determined not to be feasible. Underwater recharge systems onsite will allow for the project to proceed.

Karen Isherwood made a motion to grant the "Buffer Zone Regulations Variance Request" under the Fairhaven Wetlands Bylaw, Chapter 192, Section 8, of the Buffer Zone Regulations, for SE 023-1410, CON 023-347, Bonney Street, Map 28B, Lots 488 & 489. The motion was seconded by Wendy Drumm and passed (5-0).

Carrie Hawthorne made a motion to close the public hearing for SE 023-1410, CON 023-347, Bonney Street, Map 28B, Lots 488 & 489, approving the plan titled "Plan of Site, Proposed House & Utility Connections" Sheets L-1 and L-2, with the revised date May 21, 2024, and issue an Order of Conditions outlined in Attachment A dated June 3, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw with the added condition RUN-3. The motion was seconded by Jake Galary and passed (4-0 with 1 abstention).

**d. SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A**

Notice of Intent filed by Carricorp Industries, Ltd. proposing a 5,850-sf commercial style building. A driveway and parking lot with approximately 34 parking spaces to service the proposed building. Stormwater from all proposed paved areas will be collected by deep sump catch basins sent to a subsurface infiltration system. Other proposed utilities include municipal water and sewer and an enclosed dumpster with pad. Work to take place within 100 feet of a wetland resource area at Assessor's Map 30A, Lots 87 & 87A.

Jamie Bissonnette, of Zenith Consulting Engineers, LLC (ZCE) represented the project.

Karen Isherwood made clear that no fertilization is allowed in the Buffer Zone.

**Action:** ZCE to update project binder and submit to the Commission.

Carrie Hawthorne made a motion to continue SE 023-1423, CON 023-364, Bridge Street, Map 30A, Lot 87 & 87A at the applicant's request. The motion was seconded by Anthony Couto and passed (5-0).

**e. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122**

An after-the-fact Notice of Intent filed by Natalie Reis for the construction of 12'x16' breezeway between the house and garage, an outdoor shower (approximately 70' from the limit of Coastal Beach and in Land Subject to Coastal Storm Flowage (LSCSF), capping the existing stonewall, an outdoor fireplace, a 36'x15' flagstone patio area with new walkways to beach, artificial turf area, regrading, and a gravel driveway larger than proposed on original plan. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 16'), and work has occurred in Coastal Beach, Barrier Beach, and possibly the Marsh, located at Assessor's Map 29A, Lots 119-122.

Karen Isherwood made a motion for Kelly Camara, the Administrative Assistant, to contact Sam Haines and Rebecca Haney at Coastal Zone management to assist the Conservation Commission with reviewing and determining the delineation of the Coastal Resource Areas for SE 023-1436, CON 023-390, 6 Emerson Avenue, Map 29A, Lots 119-122, and to submit all relevant documents that may be necessary to the office of the Massachusetts Coastal Zone Management. The motion was seconded by Made by Jake Galary and passed (5-0).

Karen Isherwood made a motion to retain the services under MGL Chapter 44, section 53G, of Pinebrook Consulting, at an amount of \$1170, and further costs at \$65 per hour as needed, for the purpose outlined in the proposal, as well as ensuring compliance with the Wetlands Protection Act and the Fairhaven Wetlands Bylaw, for SE 023-1436, CON 023-390, 6 Emerson Avenue, Map 29A, Lots 119-122, and to notify the applicant, Natalie Reis, of the same. The motion was seconded by Carrie Hawthorne and passed (4-0).

Carrie Hawthorne made a motion to continue SE 023-1436, CON 023-390, 6 Emerson Avenue, Map 29A, Lots 119-122 to the June 17, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

**f. SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119**

Notice of Intent filed by Omar Halabi for demolition and removal of an existing dwelling and construction of a new flood zone compliant single-family dwelling, along with an after-the-fact filing for a concrete patio. The project is located within Buffer Zone to a Salt Marsh, Land Subject to Coastal Storm Flowage, and FEMA Flood Zone VE (El.20') at Assessors' Map 43, Lot 119.

Bob Rogers of GAF Engineering represented the applicant.

Katie Medeiros of 27 Nakata Avenue questioned the installation of a French drain.

Bob Rogers stated that two trenches will be installed on each property line.

Carrie Hawthorne made a motion to continue SE 023-1453, CON 023-408, 29 Nakata Avenue, Map 43, Lot 119 to the June 17, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

**g. SE 023-\_\_\_, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22**

Notice of Intent filed by David & Jayne Lynch to redeposit sand that migrated during a storm and place crushed shell on the driveway. Proposing to install 165 ft. of dune fencing on the southeast side of the driveway. Work to take place within Barrier Beach, Coastal Dune, riverfront, and FEMA Flood Zone VE (El. 20') at Assessor's Map 42, Lot 22.

Bruce Webb added that the applicant has removed the dune fence on this application; the project consists of the movement of sand and to add crushed shell to the driveway.

Carrie Hawthorne made a motion to continue SE 023-\_\_\_, CON 023-412, 21 Goulart Memorial Drive, Map 42, Lot 22 to June 17, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (5-0).

**h. SE 023-1459, CON 023-417: 27 Nakata Avenue, Map 43, Lot 120**

Notice of Intent (after-the-fact) filed by Katie Medeiros for concrete repair on patio, replace existing deck, restore grass area to grade, convert driveway to crushed shell, install 75 feet of shadowbox style fence, and repair 50 feet of existing post and beam fence. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF) – FEMA Flood Zone VE (El.20') and Buffer Zone to Salt Marsh and Coastal Beach at Assessor's Map 43, Lot 120.

Karen Isherwood made a motion to grant the "Buffer Zone Regulations Variance Request" under the Fairhaven Wetlands Bylaw, Chapter 192, Section 8, of the Buffer Zone Regulations, for SE 023-1459, CON 023-417, 27 Nakata Avenue, Map 43, Lot 120. The motion was seconded by Carrie Hawthorne and passed (4-0).

Karen Isherwood made a motion to close the public hearing for SE 023-1459, CON 023-417, 27 Nakata Avenue, Map 43, Lot 120, approving the plan titled "Plan for NOI Application" with the revised date May 29, 2024 and issue an Order of Conditions outlined in Attachment A dated June 3, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw with the amendment to number 6 in Attachment A Findings, Plans, and Documents, to remove the language "replace existing 23'x18' deck with". The motion was seconded by Carrie Hawthorne and passed (4-0 with 1 abstention).

**i. SE 023-1458, CON 023-420: Rear Sycamore Street, Map 20, Lots 4 & 325**

Notice of Intent filed by Bennett Amos of RemBac Environmental LLC to conduct a study in East Zone 4 (EZ4) of the New Bedford Harbor Superfund Site (NBHSS). The two-year study aims to evaluate the efficacy of a cost-effective and environmentally sustainable technology that employs activated carbon and PCB-degrading microorganisms to both sequester and degrade sediment-associated PCBs in situ. Work to take place within EZ4, specifically parcels 20-4 and 20-325.

Carrie Hawthorne made a motion to continue SE 023-1458, CON 023-420, Rear Sycamore Street, Map 20, Lots 4 & 325, to the June 17, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (5-0).

**j. SE 023-1457, CON 023-421: 93 Raymond Street, Map 29D, Lots 94 & 95**

Notice of Intent filed by James and Kathleen Grace to demolish existing cottage and build FEMA compliant 2-story single family dwelling with an enclosed porch and second floor deck. Project to include removal of approximately 373 sq. ft. of paved driveway and replace with 268 sq. ft. of paved driveway to relocate lost parking space. The site falls within Land Subject to Coastal Storm Flowage (LSCSF), with northerly portion within Flood Zone VE (El. 17'), and southerly portion within Flood Zone AE (El. 14'), located at Assessor's Map 29D, Lots 94 & 95.

Dave Davignon stated all revisions requested have been submitted.

Carrie Hawthorne made a motion to close the public hearing for SE 023-1457, CON 023-421, 93 Raymond Street, Map 29D, Lots 94 & 95, approving the plan titled "Site Plan at 93 Raymond Street," with the revised date May 2, 2024, and issue an Order of Conditions outlined in Attachment A dated June 3, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0 with 1 abstention).

**12. Violations/Enforcement Orders/Cease and Desist Notices**

- a. 4 Jeannette Street, Map 34A, Lot 062D:** Application submitted and will be heard at the June 17, 2024 meeting.

- b. **EO 023-019 & 023-020: 6 & 8 Jeannette Street, Map 34a, Lots 62K & 62P:** Agent to provide update on the May 10, 2024 site visit

Agent stated the parking lot area was constructed in the wetland. The agent has discussed resolutions with the owner and is waiting for a restoration plan.

- c. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Agent to provide an update on scheduling a site visit with the Commission and the property owner

- d. **17 Diamond Street, Map 29, Lot 45:** Unpermitted clearing in the Buffer Zone to Land Subject to Coastal Storm Flowage (LSCSF) – Notice of Violation sent May 2024

Owner, Joe Jacintho was present and stated a delineation of the property was completed in 2020.

- e. **26 Rivet Street, Map 31A, Lot 051 & 049:** Unpermitted work in the Buffer Zone to BVW – Notice of Violation sent March 2024

The owner has begun the process for an after-the-fact application.

- f. **0 Beachwood Street, Map 28B, Lot 122:** Agent to provide update on unpermitted work in the form of vegetative clearing and depositing of fill in the Isolated Vegetative (IVW) and Land Subject to Coastal Storm Flowage (LSCSF); discuss possible EO – Notice of Violation sent July 2023

The agent has received a response from the property owner.

**Action:** Agent to check on monitoring efforts from LAM Environmental Services.

- g. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Agent to provide updates on phases 1 & 2 and correspondence with the peer reviewer

Agent in communication with Matt Burne of BSC Group and is currently in contact with Tom Schutz of Goddard Consulting; will present update at the next meeting.

- h. **SE 023-309, 023-1101, 023-1127, 023-1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360:** Agent to provide updates on monitoring efforts

**Action:** Agent to schedule a site visit of the property.

- i. **29 Shore Drive, Map 20C, Lot 613:** Agent to provide update on the removal of an unpermitted seawall

- j. **32 Point Street, Map 28B, Lot 132:** Agent to discuss issuing an EO

Agent discussed enforcement Order with the owner.

- k. **12 Goulart Memorial Drive, Map 42, Lot 15C:** Agent to discuss issuing an EO

**Action:** Office to reach out to owners and request that an application be filed.

**l. 14 Oxford Street, Map 13, Lot 003: Request to lift cease and desist**

Karen Isherwood made a motion to lift the Cease and Desist for 14 Oxford Street, Map13, Lot 003, issued on February 22, 2024 per the advisement from the Department of Environmental Protection. The motion was seconded by Anthony Couto and passed (5-0).

**m. SE 023-1341, CON 023-194: North Street, Map 15, Lot 43: Ratify Cease and Desist issued May 20, 2024; Review OOC for fencing compliance**

The fence installed May 20, 2024 was not in compliance with original OOC that has expired.

Karen Isherwood made a motion for the property owner of North Street, Map 15, Lot 43 to submit an application for an unpermitted fence by the July 1, 2024 meeting. The motion was seconded by Wendy Drumm and passed (5-0).

**n. 30 Cherry Street, Map 15, Lot 47: Discuss mulch and garden beneath perimeter fencing**

Tom Francis, son of the property owner, agreed to remove material from under the fence.

**13. General Business****a. Next scheduled site visits: June 10, 2024**

Commission changed site visits to June 11<sup>th</sup>

**b. Next Scheduled Public Hearing Date: June 17, 2024****14. Any other business** that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.**15. Motion to adjourn**

Carrie Hawthorne made a motion to adjourn at 10:22pm. The motion was seconded by Karen Isherwood and passed (5-0).

**Karen Isherwood, Vice Chair (Acting Chair)**

Fairhaven Conservation Commission

Posted by the Town Clerk: [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov)